HONOURABLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.20492 OF 2000

Dated 26th September, 2007

Between:

T.Venkatarama Reddy.

…Petitioner.

And:

Mandal Revenue Officer, Renigunta Mandal, Chittoor District.

..Respondent.

HONOURABLE SRI JUSTICE C.V.NAGARJUNA REDDY

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ORDER:

This writ petition is filed for a writ of mandamus seeking to declare the action of the respondent in threatening to dispossess the petitioner from the land situated in Sy.No.3 and 8/2 of Sanjeevarayanipateda, Tirupuvakam Post, Renigunta Mandal, Chittoor District as illegal and arbitrary and without jurisdiction.

The petitioner claims to be a landless poor person having been assigned the land of an extent of Ac.1.15 cents and Ac.0.20 cents in Sanjeevarayunipatteda village in S.Nos.3 and 8/2 in the year 1978. He also claimed that after formation of Mandal, the Mandal Revenue Officer, Renigunta Mandal assigned the same land and before the said assignment was made in his favour, the Collector has issued proceedings Roc. D/11923/B1 dated 24-3-1982 changing the classification of the land from Kalva poramboke to be assessed waste dry.

In his affidavit, the petitioner averred that he made certain plantations on the assigned land and since he has not supported the local M.L.A. in the assembly elections, the respondent sought to dispossess him from the land on 23-9-2000, but, no written orders were passed before seeking to dispossess him.

Sri K.Chengalraya Naidu, the Mandal Revenue Officer, Renugunta Mandal, Chittoor District has filed a counter-affidavit in which it is mentioned that the lands in Sanjeevarayunipatteda village are inam lands and the Inam Deputy Tahsildar has conducted enquiry under the provisions of the A.P. (A.A.) Inams (Abolition & Conversion into Ryotwari) Act, 1956 (for short "the Act") and passed orders under Section 3 (3) of the Act holding that the lands in the village except the poraboke are inam lands granted in favour of the Religious Institution namely Deity Sri Vendantha Desikar Temple of Tirupathi Town by an order dated 30-6-1991 in I.D.T.No.140/89. It is further stated that against the said order, the cultivators filed an appeal before the Revenue Divisional Officer, Tirupathi and the matter is pending consideration before him. It is specifically averred by the Mandal Revenue Officer that the petitioner without any manner of right illegally encroached into the land in S.Nos.3 and 8/2 which have been corrected as S.No:4 and 3/2 and classified as Kaluva poramboke and the order of the Inam Deputy Tahsildar clearly shows that the land has been described as Poramboke. The claim of the petitioner that he is in possession and enjoyment of the land in question under B.S.O.19 (B) is absolutely false and apart from that, no pattas were granted in respect of Kaluva Poramboke land.

In the counter affidavit, the claim of the petitioner that he has raised the plantations is also denied apart from denying the possession of the petitioner over the land. It is further stated that in the revenue records, some names of the persons were recorded as enjoyers and after issuing notices to 18 persons, orders were passed cancelling the entries on 25-11-1999 and that about one year

thereafter, the present writ petition is filed. It is further stated that the petitioner got his name recorded in the revenue records in possessor column and that the mere entries in the records will not confer any title on the petitioner.

Heard Sri S.V.Ramana, learned counsel for the petitioner and the learned Assistant Government Pleader for revenue (Assignments)

At the out set, it is required to be noticed that the petitioner averred in his affidavit that D.K.T. Pattas were granted twice and significantly, he has not referred to the proceedings and the date on which the said D.K.T. pattas were granted. Further, the petitioner for reasons not explained by him omitted to file the copies of the alleged assignments.

The counter-affidavit in this case was filed as far back as 18.11.2000 and the petitioner's claim regarding granting of assignments in his favour was categorically denied therein. But, at least after the filing of the counter-affidavit by the respondent, the petitioner has not taken any steps to file copies of the alleged D.K.T. pattas granted in his favour in support of his plea of holding D.K.T. pattas. Apart from that, no steps have been taken by the petitioner at least to file a reply-affidavit controverting any of the allegations made in the counter-affidavit filed by the respondent.

From the conduct of the petitioner, I have no manner of doubt to hold that he has not approached this Court with clean hands. Before filing this writ petition, the petitioner has not even issued any notice to the respondent, which is sine qua non for seeking a writ of mandamus against the State or its officers either to do something which they are statutorily obliged to or to desist from acting contrary to law.

For the aforesaid reasons, the petitioner does not deserve any indulgence by this Court in exercise of its writ jurisdiction.

Accordingly, the Writ Petition is dismissed.

Justice C.V.NAGARJUNA REDDY

Dated 26th September, 2007.

Dvs

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